D.B. CRIMINAL MISC. BAIL APPLICATION (SUSPENSION OF SENTENCE) NO.219/2007
IN
D.B. CRIMINAL APPEAL NO.951/2005

DATE OF ORDER : 02.02.2007

HON'BLE MR. JUSTICE N.N.MATHUR
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Ramesh Purohit, for the appellant.
Mr. JPS Choudhary, Public Prosecutor.

We have heard learned counsel for the appellant, learned Public Prosecutor and perused the record.

It is submitted by the learned counsel for the appellant that though the fatal injury has been attributed to the applicant Ramesh Chandra but there is variance in the ocular evidence and the medical evidence inasmuch as while the present applicant has been attributed injury, caused by 'kulhari', but there is no such injury caused by sharp edged weapon.

The application is opposed by learned Public Prosecutor.

Without expressing any opinion on the merit of the case and keeping in view all the facts and circumstances of this case, we feel it just and proper to suspend the sentence of the

appellant. Accordingly, the bail application is allowed and it is ordered that the sentence passed by the learned Additional Sessions Judge Cum Special Judge, SC & ST Cases, Pratapgarh vide his judgment dated 16.11.2005 against the appellant Ramesh Chandra S/o Magni Ram shall remain suspended till the final disposal of the aforesaid criminal appeal provided he executes a personal bond in the sum of Rs.20,000/- along with two sureties in the sum of Rs.10,000/- each to the satisfaction of the learned Additional Sessions Judge Cum Special Judge, SC & ST Cases, Pratapgarh for his appearance in this Court on 19.3.2007 and subsequently before the trial court on the following conditions:-

1. That he will appear before the trial court in the month of January every year till the appeal is decided.
2. That if the appellant changes the place of residence, he will give the changed address in writing to the trial court, High Court as well as to his counsel in the High Court.
3. Similarly if sureties change their address, they will give in writing their changed address to the trial court.

The learned trial court shall keep the record of attendance of the accused appellant(s) in a separate file. Such file be registered as Criminal Misc. Case related to the Sessions Case in which the accused appellant(s) was/were tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. File shall not be taken into

account for statistical purpose relating to pendency and disposal of cases in the trial court. In case the said accused appellant(s) do/does not appear before the trial court, the learned trial judge shall report the matter to the High Court for cancellation of bail.

(GOPAL KRISHAN VYAS) J. **(N.N. MATHUR) J.**

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